

Message Text

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ACTION DLOS-05

INFO OCT-01 IO-10 ISO-00 ACDA-10 AGR-10 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-02 OFA-01 COME-00 DODE-00

DOT-00 EB-07 EPA-04 ERDA-07 FEAE-00 FMC-02 H-02

INR-07 INT-05 JUSE-00 L-02 NSAE-00 NSC-05 NSF-02

OES-05 OMB-01 PA-02 PM-03 PRS-01 SP-02 SS-15 OIC-02

TRSE-00 AF-06 ARA-10 EA-10 EUR-12 NEA-09 /167 W

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USIA WASHDC

UNCLAS GENEVA 3191

DEPT PASS ALL DIP POSTS

FROM LOS DELEGATION

EO 11652: NA

TAGS: PLOS

SUBJ: UNCLASSIFIED WEEKLY SUMMARY, WEEK ENDING MAY 2

1. SUMMARY: WORKING GROUPS CONTINUED MEETING DURING WEEK
ALTHOUGH PACE IS WINDING DOWN AS CONFERENCE AWAITS SINGLE
TEXTS FROM CHAIRMEN OF THE THREE COMMITTEES NOW EXPECTED
TO BE GIVEN TO CONFERENCE PRESIDENT TUESDAY. PRESENT
EXPECTATION IS THAT CONFERENCE WILL END WITH PLENARY
SESSION FRIDAY MORNING MAY 9, WITH SINGLE TEXT DISBRIBUTED
THEN WITHOUT DEBATE. END SUMMARY

2. COMMITTEE I (DEEP SEABEDS) HELD THREE FORMAL SESSIONS
TO CONSIDER ISSUES IN MACHINERY ARTICLES, A SUBJECT THAT
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HAD NOT PREVIOUSLY BEEN DISCUSSED ON RECORD AT LOS CON-

REFERENCE. DEVELOPING COUNTRIES SPEECHES GENERALLY FOLLOWED GROUP OF 77 POSITION THAT NOW INCLUDES CONCEPT OF SPECIAL INTEREST REPRESENTATION ON COUNCIL AND LOCATION OF MOST SPECIFIC POWERS, AS WELL AS SUPERVISORY FUNCTION OVER ENTERPRISE IN COUNCIL. US DELIVERED STATEMENT THAT STRESSED NEED FOR CHECKS AND BALANCES IN MACHINERY, PROTECTION OF MINORITY INTERESTS AND RESTRICTIONS ON ASSEMBLY'S POWERS.

3. CI WORKING GROUP HELD ONE MEETING TO DISCUSS GROUP OF 77 POSITION ON CHAIRMAN'S DRAFT OF BASIC CONDITIONS. 77 SPOKESMAN FLATLY REJECTED USSR PROPOSAL FOR RESERVING AREAS EXCLUSIVELY FOR STATES AND CRITICIZED, BUT DID NOT REJECT, US PROPOSAL FOR BANKING SCHEME. SINGLE TEXT OF REGIME AND MACHINERY ARTICLES NOW UNDER PREPARATION AND PRIVATE CONSULTATIONS ON IT ARE EXPECTED TO CONTINUE UNTIL MIDDLE OF NEXT WEEK.

4. COMMITTEE II: INFORMAL CONSULTATIVE GROUPS ON SPECIFIC ISSUES CONTINUED DELIBERATIONS DURING PAST WEEK. DISCUSSION ON ECONOMIC ZONE EXHAUSTED LIST OF SPEAKERS AFTER TWO SESSIONS. NO DETAILED DISCUSSIONS OF VARIOUS PROVISIONS IN MAIN TRENDS PAPER ON THIS ISSUE TOOK PLACE. TWO SESSIONS ON INNOCENT PASSAGE IN TERRITORIAL SEA DID ALLOW FOR COMPLETE CONSIDERATION OF THESE PROVISIONS IN MAIN TRENDS PAPER. SUBSTANTIVE DIFFERENCES STILL EXIST ALTHOUGH GROUP DID ENDORSE NUMBER OF UNCONTROVERSIAL PROVISIONS. CONSIDERATION OF HIGH SEAS PROVISIONS WAS COMPLETED WITH PRINCIPAL ISSUE OF WHETHER ECONOMIC ZONE WILL OR WILL NOT BE HIGH SEAS, NOT DISCUSSED. MEETING ON ISLANDS PROBLEMS INDICATED POLARIZATION BETWEEN THOSE STATES SUPPORTING FULL MARITIME JURISDICTIONAL ENTITLEMENT FOR ALL TERRITORY REGARDLESS SIZE OR POPULATION AND THOSE FAVORING DIFFERENTIAL TREATMENT BASED ON VARIOUS FACTORS. SESSIONS ON LANDLOCKED STATES DESIRE FOR FREE TRANSIT TO SEA ENDED IN DEADLOCK. LANDLOCKED STATES FROM ALL REGIONS STRONGLY PRESSED CASE FOR INTERNATIONAL RECOGNITION OF RIGHT TO HIGH SEAS AND COMMON HERITAGE AREAS. TRANSIT STATES, PARTICULARLY PAKISTAN, REMAINED ADAMANT IN OPPOSITION TO SUCH RECOGNITION. DISCUSSION ON ENCLOSED AND UNCLASSIFIED

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SEMI-ENCLOSED SEAS ENDED IN CONFUSION WITH NO AGREEMENT ON DEFINITIONAL PROVISIONS. STRAITS DISCUSSION WAS LARGELY REITERATION OF PRIOR POSITIONS OF MARITIME STATES AND STRAITS STATES. HOWEVER, LARGE MAJORITY OF STATES PARTICIPATING SPOKE IN FAVOR OF UNIMPEDED TRANSIT OF INTERNATIONAL STRAITS AND TREND IS NOW STRONGLY IN FAVOR OF UNIMPEDED TRANSIT.

5. EVENSEN GROUP HELD THREE SESSIONS ON CONTINENTAL MARGIN, DISCUSSING ALTERNATIVE (A) OF ARTICLE 26 (POUCH DEPT), ATTEMPTING TO DEFINE THE MARGIN AND WAYS OF DELIMITING IT AND ESTABLISHING BOUNDARY REVIEW COMMISSION. DRAFT WAS SUPPORTED BY SEVERAL WIDE MARGIN STATES PLUS TRINIDAD AND TOBAGO, WEST GERMANY, SINGAPORE, JAPAN, AND SOME OTHERS WHICH SEEMED WILLING ACCEPT NATURAL PROLONGATION OF LAND MASS, BEYOND 200 MILES, AS PART OF THE SHELF REGIME. HOWEVER, THEY CRITICIZED VAGUENESS OF DEFINITION. NIGERIA STRONGLY OPPOSED EXTENSIONS BEYOND 200 MILES AND REFERRED TO POSITION OF OAU. USDEL OPPOSED DEFINITION ON GROUNDS THAT IT WAS TOO IMPRECISE AND WOULD GIVE COASTAL STATE JURISDICTION OVER ENTIRE RIGHTS OUT TO GREAT DISTANCES. US INTRODUCED AMENDMENT FOCUSING ON DELIMITATION OF SUBMERGED PROLONGATION OF LAND MASS. CHILE INTRODUCED ANOTHER AMENDMENT WITH THRUST IN SAME DIRECTION. AMB STEVENSON MADE PRESENTATION IN EVENSEN GROUP AND ALSO AT BRIEF PRESS CONFERENCE WEDNESDAY ON REVENUE SHARING AS MEANS OF ACCOMMODATING INTERESTS OF BROAD MARGIN STATES IN JURISDICTION OVER THE MARGIN BEYOND 200 MILES WITH INTERESTS OF OTHER STATES WHICH OPPOSE ANY EXTENSION OF JURISDICTION BEYOND 200 MILES. AS TO METHODS, HE STATED THAT ON BALANCE US PREFERRED SYSTEM OF PRODUCTION PAYMENTS ON VALUE OF RESOURCE AT WELL-HEAD AND INDICATED THAT FOR PRELIMINARY DISCUSSION US HAS SUGGESTED FIGURE OF ONE PERCENT ESCALATING OVER A PERIOD OF YEARS TO FIVE PERCENT, WITH NO PAYMENT IN FIRST FIVE YEARS IN ORDER TO PERMIT RECOVERY OF INITIAL COSTS. HE NOTED DIFFICULTIES WITH SYSTEM OF PROFIT SHARING INCLUDING NECESSITY OF UNIFORM ACCOUNT SYSTEM TO ASSESS COSTS ON UNIFORM BASIS, ENFORCEMENT, UNCERTAINTY OF PAYMENT, AND DIFFERENCES OVER CONCEPT OF PROFIT. NEW ZEALAND PROPOSED REVENUE SHARING ON BASIS OF PROFIT SHARING. AUSTRALIA UNCLASSIFIED

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STRONGLY OPPOSED REVENUE SHARING ON GROUNDS IT ALREADY HAS SOVEREIGN RIGHTS OVER THE AREA. SOVIET UNION OPPOSED REVENUE SHARING ON GROUNDS IT WOULD NOT BE POSSIBLE IN SOCIALIST SYSTEMS. SEVERAL DEVELOPING COUNTRIES SAID REVENUE SHARING SHOULD NOT APPLY TO THEM.

6. COMMITTEE III: (A) MARINE POLLUTION: IN THE TWO WORKING GROUP MEETINGS ON THE DUMPING ARTICLE, AGREEMENT WAS REACHED ON THREE PARAGRAPHS, CALLING FOR THE ESTABLISHMENT OF BOTH NATIONAL AND INTERNATIONAL STANDARDS TO PREVENT POLLUTION FROM DUMPING, AND PROVIDING FOR "EXCLUSIVE" COASTAL STATE AUTHORIZATION OF DUMPING OFF ITS COASTS, WITHIN UNSPECIFIED LIMITS TO BE NEGOTIATED AT A LATER TIME. FOOTNOTES TO THE AGREED TEXT INDICATE THAT "DUMPING" IS INTENDED TO HAVE THE SAME SCOPE AS IT

DOES IN THE 1972 DUMPING CONVENTION, AND THAT THE USE OF THE TERM "EXCLUSIVE" IS NOT INTENDED TO LIMIT THE JURISDICTION OF PORT OR COASTAL STATE TO ESTABLISH STRICTER OR ADDITIONAL CONDITIONS ON DUMPING WITHIN THE AREAS WHERE COASTAL STATES HAVE JURISDICTION.

(B) MARINE SCIENTIFIC RESEARCH: DISCUSSION CONCLUDED ON TIEM RELATING TO RESPONSIBILITY AND LIABILITY WITH A TEXT WORKED OUT BY AN INFORMAL NEGOTIATING GROUP. DISCUSSION THEN MOVED TO DISCUSSION OF L.12, THE GROUP OF 77 TEXT ON TECHNOLOGY TRANSFER. NUMEROUS AMENDMENTS WERE OFFERED BY DEVELOPED COUNTRIES WHICH WILL BE CONSIDERED AT AN INFORMAL NEGOTIATING GROUP. METTERNICH CHAIRMAN OF THE INFORMAL SESSIONS ON MARINE SCIENTIFIC RESEARCH, RETURNED TO GERMANY BECAUSE OF A DEATH IN HIS FAMILY. IN HIS ABSENCE, FEW INFORMAL CONSULTATIONS HAVE OCCURRED.

8. DISPUTE SETTLEMENT: WORKING GROUP ON DS COMPLETED ITS WORK FOR SESSION WITH ADOPTION OF FOUR AGREED INTRODUCTORY ARTICLES AND TWO ANNEXES. ONE ANNEX SETS FORTH REMAINING ARTICLES FOR COMPREHENSIVE DS CHAPTER; SECOND ANNEX PROVIDES ILLUSTRATIVE PROVISIONS FOR FUNCTIONAL APPROACH WITH DIFFERENT PROCEDURES FOR DIFFERENT ELEMENTS OF TREATY. PROCEDURES INCLUDE CONCILIATION ARBITRATION AND LOS TRIBUNAL.
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